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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,039	05/23/2000	Andrew Phelps	367.38589X00	4369

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

TRAN, CON P

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/576,039

Applicant(s)

PHELPS, ANDREW

Examiner

Con P. Tran

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 September 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 10-26.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 09202004.
10. ☐ Other: _____


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Continuation of 5:

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 20, 2004 was filed after the mailing date of the Final Office Action on July 17, 2004.

The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

In Remarks of Amendment Pursuant to 37 C.F.R. § 1.116 dated

September 20, 2004:

2. Applicant asserts on page 9, regarding claims 10 and 19:

"If the Examiner persists in the stated grounds of rejection, it is requested that he point out on the record how the explanation of Applicant's specification regarding a double integration filter 7 is not applicable to the double integration filter 10 of the embodiment of Fig. 4 of Ricoh '199 as justifying a conclusion that the double integration filter 10 of Ricoh' 199 modifies the audio signal to compensate for the demodulating properties of the non-linear medium, as clearly taught at the bottom of page 2 and at the top of page 3 of Applicant's specification and, as quoted above from the translation, which is not compensation for the conversion characteristics of the transducer.

... It is submitted that the Examiner has no justifiable basis, in effect, to be asserting that the prior art double integration filter 7 of the present application and 10 in Ricoh '199, which compensates for the demodulating properties of the non-linear medium, also compensates for conversion characteristics of the transducer."

Examiner respectfully disagrees. Claim 10, lines 6-8 state "wherein the transducer has conversion characteristics" (e.g., loss, distortion) "that determine a relationship" (i.e., association) "of the ultrasonic pressure wave to the second ultrasonic signal;". Thus, any loss "relationship", distortion "relationship" of the ultrasonic pressure to the second ultrasonic signal will meet "the conversion characteristic of the transducer".

Double integrator (10) of Ricoh' 199 increases amplitude of original modulating signal compensate for non-linearity in a medium, as double integrator filter (7) in Applicant's application does. However, by reducing distortion of audio wave, double integrator also reducing distortion of ultrasonic pressure wave since audio wave is a modulated portion of ultrasonic pressure wave output of the transducer. Therefore, double integrator (10) also meets means for modifying audio signal to compensate for the conversion characteristics of the transducer, as claimed.

3. Applicant asserts on page 11, regarding claims 14-15:

"There is clearly no teaching therein regarding compensation for conversion characteristics of the transducer as suggested by the Examiner. Moreover, the location of the equalizer would not suggest to a person of ordinary skill in the art the placement of the means for modifying as being between the double integration filter and the square root operator since neither of those elements are present in Nippon '293."

Examiner respectfully disagrees. As presented above in Ricoh' 199 teaches compensation for conversion characteristics of the transducer. In

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addition, combining the teachings of references does not involve an ability to combine their specific structures.

As such the claims remain rejected.

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